

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS W. DOYLE AND PATRICIA
DOYLE, HUSBAND AND WIFE,
INDIVIDUALLY AND ON BEHALF OF
OTHERS SIMILARLY SITUATED

v.

MELLON BANK, N.A.,
DAVIS & REILLY, P.C.,
REED J. DAVIS, DAVIS DAVIS
ATTORNEYS, P.C. and JOHN DOES 1
THROUGH 50

Civil Action No. 02-CV-2939

**DEFENDANTS' MOTION
TO DISMISS THE AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Mellon Bank, N.A., Davis and Reilly P.C., Reed J. Davis, and Davis Davis Attorneys, P.C. (collectively "Defendants"), by and through their counsel Reed Smith LLP, hereby move this Court to dismiss Plaintiffs' Complaint for failure to state a claim upon which relief can be granted.

The grounds for this Motion are set forth in the accompanying Memorandum of Law, and

the exhibits attached thereto, all of which are incorporated as if set forth in full herein.

Respectfully submitted,

John M. McIntyre, Esquire
PA I.D. No. 78739
Reed Smith LLP
435 Sixth Avenue
Pittsburgh, PA 15219

Louis W. Schack
PA I.D. No. 78864
Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301

Counsel for Defendants

Of Counsel:
Thomas L. Allen, Esquire
PA. I.D. No. 33243
Reed Smith LLP
435 Sixth Avenue
Pittsburgh, PA 15219

Dated: June 13, 2002

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2002, I served a true and correct copy of the foregoing by first class United States Mail, postage prepaid, addressed to the following:

Stuart A. Eisenberg, Esquire
McCullough & Eisenberg P.C.
530 West Street Road
Suite 201
Warminster, PA 18974
